

PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: Confirmation No.: 5864
Shiping WANG et al. Art Unit: 1773
Application No.: 10/690,653 Examiner: Kevin M. Bernatz
Filed: October 21, 2003 Attorney Dkt. No.: 029714-00054

For: COATING COMPOSITION FOR SKIN-CONTACTING SURFACE OF
ELASTOMERIC ARTICLES AND ARTICLES CONTAINING THE SAME

DECLARATION PURSUANT TO 37 C.F.R. § 1.131

Sir:

We, the undersigned, hereby declare the following:

1. We are co-inventors of the subject matter of independent claims 18, 34, and 35 of the above-referenced patent application, which is assigned to Allegiance Corporation.

2. In connection with the preparation of this Declaration, we have reviewed the above-referenced patent application, the Office Action mailed July 13, 2007, U.S. Published Application No. 2003/0204893 (hereinafter, "Chou '893"), and the Amendment that is being submitted concurrently herewith. We are aware that claims 18-36 of the above-referenced application have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over a combination of Chou '893 and several other references.

3. This Declaration is made in order to demonstrate that Chou '893 does not qualify as prior art under any section of 35 U.S.C. § 102 with respect to the inventions claimed at least in independent claims 18, 34, and 35.

4. We conceived the subject matter of at least independent claims 18, 34, and 35 prior to May 2, 2002 (i.e., before the U.S. filing date of Chou '893) in the U.S. Furthermore, we diligently reduced to practice the subject matter of the invention

described in independent claims 18, 34, and 35, from the conception thereof up until at least May 2, 2002, in the U.S. Moreover, from a date prior to May 2, 2002, we diligently continued to work to refine the subject matter of the invention recited in independent claims 18, 34, and 35, and we aver that a constructive reduction to practice of that subject matter occurred at least as of the filing of U.S. Provisional Application No. 60/420,200 on October 22, 2002.

5. Attached hereto as Exhibit A is a copy of a spreadsheet that was last modified prior to May 2, 2002, describing various formulations containing at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone, as well as information regarding the amount of each formulation that was loaded onto gloves, and the characteristics of gloves coated with the formulations.

6. Attached hereto as Exhibit B are copies of spreadsheets and documents that were last modified prior to May 2, 2002, describing project milestones and timelines, estimated production costs, and a formulation update, which were generated during the development of gloves having a coating including at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone.

7. Attached hereto as Exhibit C is a copy of an internal e-mail communication between an inventor and other employees that was sent prior to May 2, 2002, describing the incorporation of at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone into lotion dispersions.

8. Exhibits A-C show an elastomeric article including an elastomeric layer having a skin-contacting elastomeric surface and a coating composition provided directly on the skin-contacting elastomeric surface of said elastomeric layer. The coating composition is in a dry state and includes at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone. The composition is water-soluble and hydratable upon contact with skin. See claim 18.


9. Exhibits A-C show an examination glove including an elastomeric layer having a skin-contacting elastomeric surface and a coating composition provided directly on the skin-contacting elastomeric surface of said elastomeric layer. The

coating composition is in a dry state and includes at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone. The composition is water-soluble and hydratable upon contact with skin. See claim 34.

10. Exhibits A-C show a surgeon's glove including an elastomeric layer having a skin-contacting elastomeric surface and a coating composition provided directly on the skin-contacting elastomeric surface of said elastomeric layer. The coating composition is in a dry state and includes at least one polyhydric alcohol moisturizer and at least one alphahydroxy lactone. The composition is water-soluble and hydratable upon contact with skin. See claim 35.

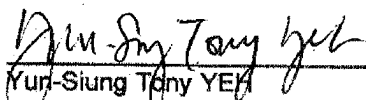
11. In view of the facts and attached evidentiary exhibits discussed above, the undersigned Declarants respectfully submit that the subject matter of at least independent claims 18, 34, and 35 of the above-referenced patent application was invented prior to May 2, 2002, the effective date of the Chou '893 reference.

12. The undersigned Declarants do hereby declare that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



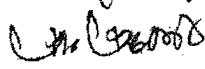
Shiping WANG

Date: 8/5/2008



Yui-Siung Tony YEH

Date: 8/5/2008



Wei Cheong WONG

Date: 01 AUGUST 2008

Enclosures: Exhibit A
Exhibit B
Exhibit C

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